



PATENT  
ATTORNEY DOCKET NO. 053933-5009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mitsuhiro TOGASHI

Application No.: 09/821,742

Filed: March 30, 2001

For: OPTICAL PICKUP

Confirmation No. 5457

Group Art Unit: 2655

Examiner: Gautam Patel

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Sir:

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Applicant responds to the Election of Species Requirement under 35 U.S.C. § 121 dated August 20, 2003 (Paper No. 5), the period for response to which has been extended through October 20, 2003 by the request for a one-month extension of time and fee filed concurrently herewith.

**Response to the Restriction Requirement**

In the Election of Species Requirement dated August 20, 2003, the Examiner required restriction under 35 U.S.C. § 121 between a first embodiment drawn to FIGs. 1-7 and a second

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embodiment drawn to FIGs. 8-9. Further, the Office Action stated that no claims are considered to be generic.

Applicant hereby provisionally elects the second embodiment drawn to FIGs. 8-9 (claims 1 and 3) for examination in this application. Applicant respectfully requests formal examination of this application. Applicant traverses the Election of Species Requirement as follows.

Applicant respectfully submits that, as discussed in the instant specification at pages 17-18, the electrode pattern of liquid crystal panel (6) corresponding to the second embodiment depicted in FIGs. 8-9 includes the divided electrode pattern corresponding to the first embodiment combined with another divided electrode pattern obtained by rotating by an angle of 90 degrees around an optical axis the divided electrode pattern corresponding to a comparative embodiment.

Accordingly, Applicant respectfully submits that claim 1 is generic. Thus, Applicant respectfully requests that the Restriction of Species Requirement be withdrawn.

If there are any fees due in connection with the filing of this paper, please charge those fees to Deposit Account No. 50-0310.

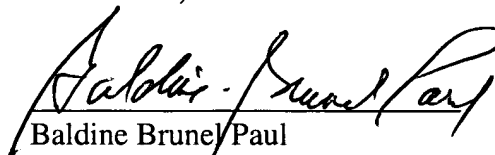
Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

September 25, 2003

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